
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Elsie Nnebe

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been assigned)

-against-

City of New York; New York City Department of

Education; Relda Barry-Grant, Principal; Lisette Olivo,

Assistant Principal, John Werner, former Union Rep.,

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

Do you want a jury trial?

☒ Yes ☐ No

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Elsie	I	Nnebe
First Name	Middle Initial	Last Name
205-41 100th Ave		
Street Address		
Hollis	NY	11423
County, City	State	Zip Code
(917) 239-8969	eksom123@gmail.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	City of New York		
	Name		
	c/o Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York, 100 Church Street		
	Address where defendant may be served		
	New York, New York	NY	10007
	County, City	State	Zip Code
Defendant 2:	New York City Department of Education		
	Name		
	c/o Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York, 100 Church Street		
	Address where defendant may be served		
	New York, New York	NY	10007
	County, City	State	Zip Code

Defendant 3:

Relda Barry-Grant, Principal of P.S. 215Q

Name

P.S. 251Q - 144-51 Arthur Street

Address where defendant may be served

Queens, Springfield Gardens NY11413

County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

P.S. 251Q

Name

144-51 Arthur Street

Address

Queens, Springfield GardensNY11413

County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☒ race: African Descent
- ☒ color: Black
- ☐ religion: _____
- ☐ sex: _____
- ☒ national origin: Nigerian

- ☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: Black

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1966

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☒ other (specify): Filed 3020-a charges against me. Brought a probable cause hearing against me to have me removed from payroll.

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

Please see attached addendum.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? DHR -6/4/20; amended 7/7/20

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 2/10/22

When did you receive the Notice? 2/14/22

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

Monetary damages for emotional distress, and lost wages; withdraw 3020-a charges.

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that:

(1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>5/10/22</u>		<u>Wine Nabe</u>	
Dated		Plaintiff's Signature	
<u>Elsie</u>	<u>I</u>	<u>Nabe</u>	
First Name	Middle Initial	Last Name	
<u>205-41 100th Ave</u>			
Street Address			
<u>Holms</u>	<u>NY</u>	<u>11423</u>	
County, City	State	Zip Code	
<u>917 239 8969</u>	<u>eksom123@gmail.com</u>		
Telephone Number	Email Address (if available)		

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

ADDENDUM TO FEDERAL COMPLAINT FOR ELSIE NNEBE @ 5/10/22

1. I have been employed by the New York City Department of Education (NYCDOE) as a special education teacher since September 1997. I have been working as a SETSS (special education teacher support services) teacher since 2000. The SETSS title was originally called resource room teacher.
2. I have been assigned to PS 251Q in Queens, since November 2007, as an IEP and SETSS teacher.
3. I have been working under Principal Relda Barry-Grant and Assistant Principal Lissette Olivo since 2016, when they arrived at the school. Ms. Olivo is Caucasian, Ms. Grant is mixed- half black and half white, and I am black and Nigerian.
4. Prior to the arrival of these administrators, I always received Satisfactory or Effective ratings and no disciplinary letters to file. I also had been a mentor to some teachers at my school. I was a member of the de-escalation team since 2014.
5. I have been denied the position of a Special Education Teacher Support Services (SETSS) since September 2019, which is a position I have held since I became employed at the school in November 2007. This position involves working with students in small groups. I was assigned a cluster position instead, which involves working with a whole class of about 25 students, relating to physical education, which is outside of my license area, and working with seven classes. I believe this attempt was to frustrate me so I could leave the school.
6. I believe that I have been discriminated against because of my age and race. Having had more than 20 years of teaching experience, the administration wants to harass me and have me retire sooner, especially as the principal experienced budget problems that year.
7. Since this administration took over the school, the majority of black teachers have not worked until they are 55 years old or work for 25 years, the retirement criteria. The administration disproportionately targets older black teachers for termination. During the 2018/2019 school year, Ms. Perkins, a black teacher less than 55 years old, retired as a result of being harassed. In 2019, Ms. Holloway, a black teacher with about 20 years of teaching experience, was put on administrative duty by this administration because they had some disagreement.
8. This administration treats black staff unfairly. Out of 16 teachers employed in the first three years of the current administration, at the time of charges were brought to me, fourteen are White, one Asian, the other Spanish, and none are black. The only two black teachers at the school were ATRs (Absent teachers on reserve), and were sent to the school by DOE central administration, and not hired by the principal.
9. Also worth noting is that Assistant Principal Olivo was a teacher in the Bronx, with about five years teaching experience, and a student of Mr. Murray, the Superintendent at the time, who was forced to retire in 2018 following sexual allegation. Ms. Olivo rules with intimidation,

threat, lies, and retaliation. The administration has a group of white teachers they hired and favor, whom they use to work against other teachers. The school survey for the 2018-2019 school year reveals that only 67% of teachers feel the principal is an effective manager who makes the school run smoothly.

10. Assistant Principal Olivo removed me from a PPT meeting email invitation list, of which I am a key member. She sent all members meeting memos but did not send them to me even though the group meets in my room and I am a mandated member.
11. On or about December 17, 2019, AP Olivo wrote me up and presented me with Section 3020-a charges, to try to terminate me based on false corporal punishment charges. The DOE also tried to remove me from payroll based on a probable cause hearing pending the 3020-a charges. The administration has not done so to other younger non-black teachers when fights occur in their classes.
12. White teachers such as, Melissa Dorosario, Gregory Belmonte, Kristin Zeuch, Keith Donnelly, Richard Hodgkinson, Courtney Cully-Heckman, Matthew Dingfelder, who had students fight in their classes were not terminated like I was.
13. Principal Grant and AP Olivo also are retaliating against me by bringing false charges against me because I filed a grievance against Principal Grant for an improper observation report Ms. Grant wrote against me in November 2016.
14. AP Olivo used two white teachers who are her allies to aid her in bringing charges against me. She made another teacher Mr. Dingfelder write a statement stating that a student reported to him that I scratched her hand and indented it with a fingernail. However, at the probable cause hearing, AP Olivo stated that she was aware of the incident from another source.
15. AP Olivo did not give me an option to come with any other union member other than the chapter leader, Mr. Werner, to represent me during my 48 hour investigative meeting with her. She knew Mr. Werner is friends with her and will work with her to undermine me. On November 11, 2019, Mr. Werner asked me not to inform the UFT, teacher's union, about the allegations that AP Olivo brought against me. He said going to the union will make matters worse. He also deceived me by telling me that my meeting with AP Olivo was the end of the investigation process and nothing else will happen. Only four weeks later, I was served with probable cause hearing to be removed from payroll. I believe AP Olivo lied to me at the investigative meeting so that I would not seek help from the UFT within the thirty days as allowable by law. I believe Mr. Werner was working together with AP Olivo to push me out of the school because I am an older black teacher.
16. On November 18, 2019, Mr. Werner deceived me by saying that the union representative told him that I am not entitled to see the victim statements. He also refused to help me write a grievance, and only did so when I reported him to the union. Mr. Werner also guided me to write a response to AP Olivo in a way that enabled her to use it to bring charges against me. I stated to AP Olivo during the investigative meeting that I did not have any physical contact

- with the student Jordyn. Mr. Werner asked me to write that I 'did not recall' having any physical contact with the student. AP Olivo said during the probable cause hearing that she charged me with corporal punishment because I wrote that I 'did not recall' and not that I did not have any physical contact with the student.
17. AP Olivo tampered with corporal punishment investigation. When I had an investigative meeting with AP Olivo on November 7, 2019, she showed me a picture of a hand that she said a student said I caused her to sustain the bruise. I told Ms. Olivo I had no contact with that student. This hand was just red in the picture she showed me that day. Then, on January 3, 2020, when I requested this picture from AP Olivo, I discovered that AP Olivo had taken out this original picture of the hand and replaced it with another picture that had a fingernail print on it. She failed to produce the date and time stamp on this second picture. She did not provide the timestamp even at the probable cause hearing. She replaced this picture to make the case appear worse for me and then charge me with corporal punishment and endangering the welfare of a minor.
 18. AP Olivo changed a student's statement and misrepresented facts in the statement and then charged me with 3020-a disciplinary charges on December 16, 2019. When I had a 48 hour investigative meeting with AP Olivo on November 4, 2019, she showed me a statement written by a student about an incident. Then on January 3, 2020, when I requested the statement, I discovered that AP Olivo had taken out the statement this student wrote and replaced it with what AP Olivo called a student interview that is two pages long, written by AP Olivo. She misrepresented facts on the statement and made the situation more implicating. She now charged me with corporal punishment based on the lies she wrote. At the Probable Cause hearing, AP Olivo presented a note she allegedly took when she interviewed me. The note presented by AP Olivo was similar to the false student interview statement and was used to corroborate the false document.
 19. In December 2019, Mr. Dingfelder told some staff in the school that 3020-a charges have been brought against me and that I am not allowed to work with students. This was supposed to be confidential. He also told the teachers that he was the one who reported me. One of the teachers came to ask me if I had charges brought against me. Mr. Dingfelder did not witness any incident between the student and I, but AP Olivo got a false statement from him because she knew the teacher does not like me and will be willing to write a false statement for her.
 20. On January 6, 2020, I reported this incident to Principal Grant and asked her to tell Mr. Dingfelder to maintain the confidentiality of the case. Ms. Grant promised to talk to him. I also sent an email to the union representative to tell Mr. Dingfelder to stop talking about this case in the school. The union representative said that they do not get involved in incidents like this.
 21. Additionally, Mr. Werner who acted as a chapter leader, and who 'represented' me in this case, told his co-teacher about the case and the charges. His co-teacher, Ms. Alforo told other teachers about the charges and a teacher came to ask me about it. Mr. Werner was supposed to keep this case confidential. I reported Mr. Werner to Principal Grant on January 15, 2020. I

also reported Mr. Werner's role in the case to the UFT Queens office. Mr. Werner stepped down from being the chapter leader in January 2020 because of his role in this incident.

22. On January 21, 2020, I was denied security clearance as a result of the pending 3020-a charges causing me to lose my position and income with the early intervention school program.
23. On Feb 10, 2020, during the pre-hearing trial Ms. Olivo brought students witness statements of the case involving Move to Improve charges. She did not present these statements to me during my 48 hour meeting with her before the charges were brought to me. These statements were not included among the statements she gave to me after the charges were brought to me.
24. Since I filed the original SDHR complaint in July 2020, I have been subject to additional acts of retaliation.
25. I have a history of supporting teachers. I had satisfactory 22 years of service, mentoring teachers and part of de-escalation team. First offense. No warning, no support. Never met with the administration to discuss it. The first time having knowledge of the incident was during 48 hour meeting with the Assistant Principal, Ms. Olivo, to terminate me.
26. Due to the pending charges, I have suffered a loss of per session income.
27. On January 29, 2022, the Department of Education had a zoom settlement meeting with me. Ms. Susan Jalowski was the attorney representing the Department. The Department requested that I retire and the 3020-a will be dropped. This is further evidence of discriminatory behavior against me. The Department is trying to push me out by bringing 3020-a charges against me. The Department also is aware that retiring with pending 3020-a charges will engender penalty and cause me to lose my work position with the Department and my ability to work for the DOE after retirement.

B. Defendant Information continued:

Defendant 4:

Name Lisette Olivo, Assistant Principal
P.S. 181Q – 148-15 230th Street

Address where defendant may be served		
Queens, Queens	NY	11413
County, City	State	Code

Defendant 5:

Name John Werner, former Union Rep.
P.S. 251Q – 144-51 Arthur Street

Address where defendant may be served		
Queens, Springfield Gardens	NY	11413
County, City	State	Zip Code



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall St ,5th Floor
New York ,New York ,10004
(929) 506-5270
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 02/10/2022

To: Elsie Ime Nnebe
205-41 100th Ave.
Hollis, NY 11423

Charge No: 16G-2020-03035

EEOC Representative and email: Holly Shabazz
S/L Tribal Program Manager
holly.shabazz@eeoc.gov

DISMISSAL OF CHARGE

The EEOC is closing this charge because Charging Party wishes to pursue matter in Federal District Court.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 16G-2020-03035.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall St ,5th Floor
New York ,New York ,10004
(929) 506-5270
Website: www.eeoc.gov

On Behalf of the Commission:

Digitally Signed By: Judy Keenan
02/10/2022

Judy Keenan
District Director

Cc: City of NY, Dept. of Education

Glass Krakower, Esq.

Please retain this notice for your records.

Amended

New York State Division of Human Rights Employment Complaint Form

1. Your contact information:					
First Name <u>Elsie</u>		Middle Initial/Name <u>lme</u>			
Last Name <u>Nnebe</u>					
Street Address/ PO Box <u>205-41 100th Avenue</u>		Apt or Floor #:			
City <u>Hollis</u>		State <u>NY</u>	Zip Code <u>11423</u>		
2. Regulated Areas: You believe you were discriminated against in the area of: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Employment (<i>including paid internship</i>) <input type="checkbox"/> Apprentice Training <input type="checkbox"/> Internship (<i>unpaid only</i>) <input type="checkbox"/> Volunteer Firefighting (<i>excludes disability, age, domestic violence victim status, arrest, conviction, genetic history</i>) </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Labor Organization <input type="checkbox"/> Employment Agencies <input type="checkbox"/> Licensing </td> </tr> </table>				<input checked="" type="checkbox"/> Employment (<i>including paid internship</i>) <input type="checkbox"/> Apprentice Training <input type="checkbox"/> Internship (<i>unpaid only</i>) <input type="checkbox"/> Volunteer Firefighting (<i>excludes disability, age, domestic violence victim status, arrest, conviction, genetic history</i>)	<input type="checkbox"/> Labor Organization <input type="checkbox"/> Employment Agencies <input type="checkbox"/> Licensing
<input checked="" type="checkbox"/> Employment (<i>including paid internship</i>) <input type="checkbox"/> Apprentice Training <input type="checkbox"/> Internship (<i>unpaid only</i>) <input type="checkbox"/> Volunteer Firefighting (<i>excludes disability, age, domestic violence victim status, arrest, conviction, genetic history</i>)	<input type="checkbox"/> Labor Organization <input type="checkbox"/> Employment Agencies <input type="checkbox"/> Licensing				
3. You are filing a complaint against:					
Employer Name <u>New York City Department of Education / P.S. 251Q</u>					
Street Address/ PO Box <u>144-51 Arthur Street</u>					
City <u>Springfield Gardens</u>		State <u>NY</u>	Zip Code <u>11413</u>		
Telephone Number: <u>(718) 276 - 2745</u>					
In what <i>county or borough</i> did the violation take place? <u>Queens</u>					
Individual people who discriminated against you:					
Name: <u>Lisette Olivo</u>		Title: <u>Assistant Principal</u>			
Name: <u>Relda Barry Grant</u>		Title: <u>Principal</u>			
If you need more space, please list them on a separate piece of paper. <u>See Attached.</u>					
4. Date of alleged discrimination (<i>must be within one year of filing</i>):					
The most recent act of discrimination happened on: <u>12</u> <u>17</u> <u>2019</u> month day year					
5. For employment and internships, how many employees does this company have?					
<input type="checkbox"/> 1-3 <input type="checkbox"/> 4-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know					
6. Are you currently working for this company?					
<input checked="" type="checkbox"/> Yes. Date of hire: <u>09</u> <u>04</u> <u>1997</u> month day year		What is your position? <u>Special Education Teacher</u>			
<input type="checkbox"/> No. Last day of work: _____ month day year		What was your position?			
<input type="checkbox"/> I was never hired. Date of application: _____ month day year		What position did you apply for?			

7. Basis of alleged discrimination:

Check **ONLY** the boxes that you believe were the reasons for discrimination. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input checked="" type="checkbox"/> Age: Date of Birth: <u>6/6/1966</u>	<input type="checkbox"/> Familial Status: Please specify: _____
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Marital Status: Please specify: _____
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input checked="" type="checkbox"/> National Origin: Please specify: <u>Nigerian</u>
<input type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Predisposing Genetic Characteristic: Please specify: _____
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input checked="" type="checkbox"/> Race/Color or Ethnicity: African Please specify: <u>Black / Descent</u> <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input type="checkbox"/> Sex: Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

☐ **Retaliation:** How did you oppose discrimination: _____

8. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*

<input type="checkbox"/> Refused to hire me	<input type="checkbox"/> Denied me an accommodation for my disability or pregnancy-related condition	<input type="checkbox"/> Denied me leave time or other benefits	<input checked="" type="checkbox"/> Harassed/ intimidated me (other than sexual harassment)
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Denied me overtime benefits	<input type="checkbox"/> Sexually harassed or intimidated me	<input type="checkbox"/> Did not call back after lay-off
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Denied me services/treated differently by employment agency
<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Unlawful inquiry, or limitation, specification or discrimination in job advertisement
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Denied a license by a licensing agency	<input checked="" type="checkbox"/> Other: <u>served me with 3020-a charges.</u>

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Please see attached.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Notarization of Complaint

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

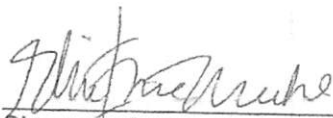
By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

PLEASE INITIAL EN

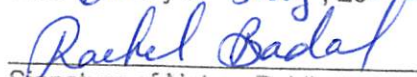
I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.



Sign your full legal name

Subscribed and sworn before me

This 6th day of July, 2020



Signature of Notary Public

County: RACHEL BADAL Commission expires:

Notary Public, State of New York

No. 01BA6087097

Qualified in Kings County

Commission Expires Feb. 10, 2023

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.

Additional Information

This page is for the Division's records and will remain confidential and will not be sent to the company or person(s) whom you are filing against.

1. Contact Information	
My primary telephone number: (917) 239 - 8969	My secondary telephone number:
My email address: eksom123@gmail.com	Date of birth: 6/6/1966
Contact person: <i>(Someone who does not live with you but will know how to contact you if the Division cannot reach you)</i> Name: Leslie O'Grady Telephone number: (718) 908 - 2058 Address: 214-12 Spencer Avenue, Queens Village, NY 11427 Email address: ogjam@aol.com Relationship to me: Friend	
2. Special Needs I am in need of: <ul style="list-style-type: none"> <input type="checkbox"/> Interpretation (if so what language?): <input type="checkbox"/> Accommodations for a disability: <input type="checkbox"/> Privacy. Keep my contact information confidential as I am a victim of domestic violence <input type="checkbox"/> Other: 	
3. Settlement / Conciliation To settle this complaint, I would accept: <i>(Explain what you want to happen as a result of this complaint. Do you want a letter of apology, your job back, lost wages, an end to the harassment, etc.?)</i> I want the 3020-a charges to be withdrawn, for all regulatory agencies to be notified of the charges being dropped, and emotional distress damages.	
4. Witnesses <i>(information about witnesses may be shared with the parties as necessary for the investigation)</i> The following people saw or heard the discrimination and can act as witnesses:	
Name: Ketline Glemaud	Title: Guidance Counselor
Telephone Number: (917) 861 - 5692	Relationship to me: Co-worker
Ms. Glemaud has witnessed Ms. Olivo's excluding my name from the email list inviting team members to PPT meetings. She has also witnessed me being removed from my position due to 3020-a charges by the principal and the assistant principal. As well as witnessing Ms. Olivo hang out with white teachers in her office, and hire mostly Caucasian teachers. Ms. Glemaud also witnessed Ms. Holloway, another black veteran teacher being charged with 3020-a charges.	
Name: Mindy Zaidman	Title: Special Education Teacher
Telephone Number: (631) 748 - 0701	Relationship to me: Co-worker
What did this person witness? Ms. Zaidman has witnessed Ms. Olivo deny me of my SETSS (Spec. Ed.) position this year and assigned me physical ed., out of my license area. She has witnessed me being reassigned due to 3020-a charges brought against me by the principal and the assistant principal. Two teachers have told her that Mr. Dingfelder and Mr. Werner told them that I have been charged with 3020-a charges, and that what happened to Ms. Holloway is now happening to me. I cannot go near students. This was supposed to be confidential. She also witnessed Mr. Werner's resignation from Chapter Leader in January 2020, after I was reassigned to another school.	

5. Did you report or complain about the discrimination to someone else? ☒ Yes ☐ No

If yes, how exactly did you complain about the discrimination? (To whom did you complain?)

On September 9, 2019, I complained to Ms. Grant about not being given the SETSS program. I filed for improper investigation and tampering with investigation against Ms. Olivo with the OSI Office of Special Investigation on January 13, and 16, 2020. I also filed a grievance against the principal for oversized class size and improper investigation on December 20, 2019. I also reported the charges to the UFT on December 18, 2019.

Date you reported or complained about discrimination: 9 9 2019
month day year

What happened after you complained?

I met with the principal and chapter leader on January 6, 2020 to discuss the grievance I filed. The grievance was denied on January 7, 2020 and moved to step 2 with the Chancellor. As of May 14, 2020, I have not yet been notified by the OSI (Office of Special Investigations) about the outcome of the improper investigation and tampering with evidence that I filed. The UFT provided me with legal assistance for the probable cause hearing and 3020-a charge.

If you did not report the discrimination, please explain why:

6. Were other people treated the same as you? How?

(For example, people who were harassed by the same manager, disciplined or terminated for the same reasons, did not receive an accommodation for the same reasons, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.

This same administration charged Ms. Holloway, a black teacher with over 20 years teaching experience with 3020-a in December 2017 and she won. This same administration charged Ms. Phyllis Pryor-Shaw, a black teacher with about 25 years of teaching experience with wrongdoing in 2016/2017 and 2017/2018 school years, about four times and the cases were investigated by OSI and SCI and dropped. In 2018/2019 school year, Mr. Witsell, a black teacher was given an ineffective rating, and denied tenure, and forced to leave the school because students would fight in his class.

7. Were other people treated better than you? How?

(For example, people who were not fired for doing the same thing you were fired for, people who were doing the same job but making more money, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.

White Teachers with less years of experience who were hired by this administration get to work in their license areas. Other teachers do not face termination or disciplinary actions when students fight in their classes. For example, students constantly fight in Mr. Belmonte, Mr. Hodkinson, and Ms. Dorosarios's classes and they do not face any charges.

ADDENDUM TO SDHR COMPLAINT FOR ELSIE IME NNEBE @7/6/20

1. I have been employed by the New York City Department of Education (NYCDOE) as a special education teacher since September 1997. I have been working as a SETSS (special education teacher support services) teacher since 2000. The SETSS title was originally called resource room teacher.
2. I have been assigned to PS 251Q in Queens, since November 2007, as an IEP and SETSS teacher.
3. I have been working under Principal Relda Barry-Grant and Assistant Principal Lissette Olivo since 2016, when they arrived at the school. Ms. Olivo is Caucasian, **Ms. Grant is mixed- half black and half white, and is very fair-** and I am black and Nigerian.
4. Prior to the arrival of these administrators, I always received Satisfactory or Effective ratings and no disciplinary letters to file. I also had been a mentor to some teachers at my school.
5. I have been denied the position of a Special Education Teacher Support Services (SETSS) since September 2019, which is a position I have held since I became employed at the school in November 2007. This position involves working with students in small groups. I was assigned a cluster position instead, which involves working with a whole class of about 25 students, relating to physical education, which is outside of my license area, **and working with seven classes**. I believe this attempt was to frustrate me so I could leave the school.
6. I believe that the discrimination against me is based on my age and race. Having had more than 20 years of teaching experience, the administration wants to harass me and have me retire sooner, especially as the principal experienced budget problems this year.
7. Since this administration took over the school, black teachers have not worked until they are 55 years old or work for 25 years, the retirement criteria. During the last school year, Ms. Perkins, a black teacher less than 55 years old, retired. In 2018, Ms. Holloway, a black teacher with about 20 years of teaching experience, was put on administrative duty by this administration because they had some disagreement.
8. This administration treats black staff unfairly. Out of 16 teachers employed in the past three years of the current administration, fourteen are White, one Asian, the other Spanish, and none are blacks. The only two black teachers at the school are ATRs (Absent teachers on reserve), and were sent to the school by DOE central administration, and not hired by the principal.
9. Also worth noting is that Assistant Principal Olivo was a teacher in the Bronx, **with less than five years teaching experience**, and a student of Mr. Murray, the Superintendent at the time, who was forced to retire in 2018. Ms. Olivo rules with intimidation, threat, lies, and retaliation. The administration has a group of **white** teachers they hired and favor, whom they use to work

against other teachers. The school survey for the 2018-2019 school year reveals that only 67% of teachers feel the principal is an effective manager who makes the school run smoothly.

10. Assistant Principal Olivo removed me from a PPT meeting email invitation list, which I am a member. She sent all members meeting memos but did not send them to me even though the group meets in my room and I am a mandated member.
11. On or about December 17, 2019, AP Olivo wrote me up and presented me with Section 3020-a charges, to try to terminate me based on false corporal punishment charges. The DOE also is trying to remove me from payroll based on a probable cause hearing pending the 3020-a charges. The administration has not done so to other younger non-black teachers when fights occur in their classes.
12. Principal Grant and AP Olivo also are retaliating against me by bringing false charges against me because I filed a grievance against Principal Grant for an improper observation report Ms. Grant wrote against me in November 2016.
13. AP Olivo used two white teachers who are her allies to aid her in bringing charges against me. She made another teacher Mr. Dingfelder write a statement stating that a student reported to him that I scratched her hand and indented it with a fingernail. However, at the probable cause hearing, AP Olivo stated that the student did not report the incident to Mr. Dingfelder.
14. AP Olivo did not give me an option to come with any other union member other than the chapter leader, Mr. Werner, to represent me during my 48 hour investigative meeting with her. She knew Mr. Werner is friends with her and will work with her to undermine me. On November 11, 2019, Mr. Werner asked me not to inform the union about the allegations that AP Olivo brought against me. He said going to the union will make matters worse. He also deceived me by telling me that my meeting with AP Olivo was the end of the investigation process and nothing else will happen. Only four weeks later, I was served with probable cause hearing to be removed from payroll. **I believe AP Olivo lied to me at the investigative meeting so that I would not seek help from the UFT within the thirty days as allowable by law.**
15. On November 18, 2019, Mr. Werner deceived me by saying that the union representative told him that I am not entitled to see the victim statements. He also refused to help me write a grievance, and only did so when I reported him to the union. Mr. Werner also guided me to write a response to AP Olivo in a way that enabled her to use it to bring charges against me. I stated to AP Olivo during the investigative meeting that I did not have any physical contact with the student Jordyn. Mr. Werner asked me to write I 'did not recall' having any physical contact with the student. AP Olivo said during the probable cause hearing that she charged me with corporal punishment because I wrote that I 'did not recall' and not that I did not have any physical contact with the student.

16. AP Olivo tampered with corporal punishment investigation. When I had an investigative meeting with AP Olivo on November 7, 2019, she showed me a picture of a hand that she said a student said I caused her to sustain the injury. I told Ms. Olivo I had no contact with that student. This hand was just red in the picture. Then, on January 3, 2020, when I requested this picture from AP Olivo, I discovered that AP Olivo had taken out this original picture of the hand and replaced it with another picture that had a fingernail print on it. She failed to produce the date and time stamp on this second picture. She did not provide the timestamp even at the probable cause hearing. She replaced this picture to make the case appear worse for me and then charge me with corporal punishment and endangering the welfare of a minor.
17. AP Olivo changed a student's statement and misrepresented facts in the statement and then caused to charge me with 3020-a disciplinary charges. When I had a 48 hour investigative meeting with AP Olivo on November 4, 2019, she showed me a statement written by a student about an incident. Then on January 3, 2020, **when I requested the statement**, I discovered that AP Olivo had taken out the statement this student wrote and replaced it with what AP Olivo called a student interview that is two pages long, written by AP Olivo. She misrepresented facts on the statement and made the situation more implicating. She now charged me with corporal punishment based on the lies she wrote. **At the Probable Cause hearing, AP Olivo presented a note she allegedly took when she interviewed me. The note presented by AP Olivo was similar to the false student interview statement and was used to corroborate the false document.**
18. **In December 2019, Mr. Dingfelder told some staff in the school that charges have been brought against me and that I am not allowed to work with students. This was supposed to be confidential. He also told the teachers that he was the one who reported me. One of the teachers came to ask me if I had charges brought against me. Mr. Dingfelder did not witness any incident between the student and me, but AP Olivo got a false statement from him because she knows the teacher does not like me and will be willing to write a false statement for her.**
19. **On January 6, 2020, I reported this incident to Principal Grant and asked her to tell Mr. Dingfelder to maintain the confidentiality of the case. Ms. Grant promised to talk to him. I also sent an email to the union representative to tell Mr. Dingfelder to stop talking about this case. The union representative said that they do not get involved in incidents like this.**
20. **Additionally, Mr. Werner who acted as a chapter leader, and who 'represented' me in this case, told his co-teacher about the case and the charges. His co-teacher, Ms. Alforo told other teachers about the charges and a teacher came to ask me about it. Mr. Werner was supposed to keep this case confidential. I reported Mr. Werner to Principal Grant on January 15, 2020. I also reported Mr. Werner's role in the case to the UFT. Mr. Werner stepped down from being the chapter leader in January 2020 because of his role in this incident.**
21. Based on the above, I believe I am being targeted based on my age and race/national origin.

3. Individual people who discriminated against you continued:

Name: John Werner

Title: General Education Teacher

Name: Matthew Dingfelder

Title: Physical Education Teacher